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| 10/544,289 | 08/03/2005 | Pierre-Yves Le Lann | 102114.00029 | 9445 |
| 54975 7590 12/09/2008 HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE 11th Floor BOSTON, MA 02116-3889 | | | | |
| EXAMINER | | | | |
| EL CHANTIL, HUSSEIN A | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,289

Applicant(s)

LE LANN ET AL.

Examiner

HUSSEIN A. EL CHANTI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to amendment received on Nov. 6, 2008. Claim 10 was amended. Claims 1-12 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al., U.S. Patent No. 6,694,336 (referred to hereafter as Multer).

As to claim 1, Multer teaches a system for synchronizing data between service portals each hosting at least one personal information manager (PIM) service (see fig. 7), each of said portals being accessible by means of remote access terminals, the system comprising

first data synchronization means adapted to establish a correspondence between the data stored in the portals, wherein the first synchronization means "difference transmitter 602-608" includes a client-server architecture, the client and the server of this said architecture respectively comprising, a module hosted in one of said portals and communicating with a server "storage 300" implementing the personal information manager service of said portal (see col. 7 lines 45-67 and col. 6 lines 33-67, the

transmitter transmits synchronization data to a storage 300 which is sent later to a synchronization receiver),

a synchronization module hosted within at least the other portal "synchronization receiver 60—910" and communicating with a server hosting a different personal information manager service, said modules communicating via a computer network "network 700" (see col. 6 lines 33-67).

As to claim 2, Multer teaches the system as claimed in claim 1, further comprising a second means for synchronizing data "storage 300 and database database" between the portals and at least a portion some of said terminals (see col. 6 lines 33-45).

As to claim 3, Multer teaches the system as claimed in claim 2, wherein the second synchronization means includes a client-server architecture, the client and the server of said architecture of the second synchronization means respectively comprising, a client module "device engine 104a" hosted within each of the terminals and, a synchronization module hosted within the portal, said client and synchronization modules communicating via a computer network (see col. 7 lines 20-67, sync receiver and delta engine on the storage server and the client forms a client-server architecture).

As to claim 8, Multer teaches an access platform for services of a first service portal hosting at least one personal information manager (PIM) service, the first service portal comprising a set of at least one server providing access to said services "storage server 300", accessible to remote access terminals and associated with storage means

in which personal information is loaded, and a synchronization system between service portals including the first portal "sync transmitter", each of said portals being accessible by means of remote access terminals and hosting at least one personal information manager service (see fig. 7), wherein the synchronization system comprises

first data synchronization means adapted to establish a correspondence between data stored in the portals, wherein the first synchronization means includes a client-server architecture portal (see col. 7 lines 45-67 and col. 6 lines 33-67, the transmitter transmits synchronization data to a storage 300 which is sent later to a synchronization receiver), the client and the server of said architecture respectively comprising

a module hosted in the first portal and communicating with a server of said set, and a synchronization module hosted within at least one other portal and communicating with a server hosting a different personal information manager service, said modules communicating via a computer network (see col. 6 lines 33-67).

As to claim 9, Multer teaches the platform as claimed in claim 8, further comprising means to generate a man-machine interface "web browser 610" on displays the screen of the terminals, adapted to initiate generation and transmission of synchronization commands intended for the synchronization system (see col. 7 lines 55-67 and col. 15 lines 13-25, web browser 610 generates the transmission of the sync data).

As to claim 10, Multer teaches a method of synchronizing data between service portals each hosting at least one personal information manager (PIM) service, the method comprising the steps of:

generating a synchronization command using a man-machine interface supplied by a synchronization client of a client-server architecture hosted, on the one hand, in one of said portals and, on the other hand, in at least one other portal said command conveying information relating to the data to be synchronized (see col. 7 lines 45-67 and col. 6 lines 33-67, the transmitter transmits synchronization data to a storage 300 which is sent later to a synchronization receiver); and

implementing the synchronization of data between the portals using a synchronization server hosted in said other portal(s) and indicated in the synchronization command (see col. 6 lines 33-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Ims et al. U.S. Patent Application Publication No. 2002/0091533 (referred to as Ims).

As to claims 4, 5, and 11, Multer teaches a system and method for exchanging data between two portals using a client server architecture (see fig. 7 and col. 7 lines 35-67). Multer does not explicitly teach that the exchanging data according to a standardized data synchronization language using content description markers such as XML.

Ims, however, teaches a system and method for exchanging data using XML format (see abstract). It would have been obvious for one of the ordinary skill in the art at the time of the invention to implement the exchange of data using content description markers such as XML as described in Ims because XML is very widely known and used in the web information exchange and therefore using XML would make the system and method of Multer compatible with most web interfaces and also would avoid the need to write application specific logic for dealing with service interactions as explicitly suggested by Ims (see Ims abstract).

5. Claims 6, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Microsoft Computer Dictionary 5th Edition .

As to claims 6, 7 and 12, Multer teaches a system and method for exchanging data between two portals using a client server architecture (see fig. 7 and col. 7 lines 35-67). Multer does not explicitly teach that the data is presented according to Vcard or Vcalender format.

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by exchanging Vcard or Vcalender format as evident by Microsoft Dictionary that Vcard and Vcalender is a widely used format that's been developed since 1996 and therefore doing so would make versatile and more compatible with other clients that use applications that use Vcard and Vcalender format.

6. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that Multer does not disclose said portals are accessible by means of remote portals.

In response to applicant's arguments, the recitation said portals are accessible by means of remote portals has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein Elchanti/

July 28, 2008

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457